

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Anthony Oliver,)
Plaintiff,)
v.) C.A. No. 8:10-cv-01191-JMC
GLEAMNS Human Resource)
Commission Inc.,)
Defendant.)

)

ORDER

This matter is now before the court on Defendant GLEAMNS Human Resource Commission Inc.’s (“GLEAMNS”) Motion for Summary Judgment [Doc. 19] on Plaintiff Anthony Oliver’s (“Oliver”) claim that GLEAMNS violated Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Age Discrimination in Employment Act of 1967 (“ADEA”) by denying Oliver a promotion to an accounting clerk/purchasing position in April 2009 based upon his race, sex, and age. The Magistrate Judge’s Report and Recommendation [Doc. 31] filed by United States Magistrate Judge Kevin F. McDonald on May 31, 2011, recommends that the court grant GLEAMNS’ motion. After a thorough review of the record in this matter, the applicable law, the Magistrate Judge’s Report and Recommendation, and the objection and reply filed by the parties, the court adopts the Magistrate Judge’s Report and Recommendation for the reasons stated below.

The Magistrate Judge’s Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court.

See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

After receiving the Magistrate Judge's Report and Recommendation, Oliver filed objections to the Report, [Doc. 32] and GLEAMNS submitted a reply to Oliver's objections [Doc. 34]. Objections to the Report and Recommendation must be specific. In the absence of specific objections to the Magistrate Judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The court finds that the majority of Oliver's objections to the Report are merely restatements of the arguments made in his initial filings and do not alert the court to matters that were erroneously considered by the Magistrate Judge. However, Oliver did cite one specific objection which the court will address separately herein.

Oliver argues that the Magistrate Judge failed to view the facts of the case in the light most favorable to Oliver. Oliver did not specify any particular inferences that were misconstrued or favorable facts that were ignored. However, the court reviewed the record to determine whether the Magistrate Judge addressed facts in the record which were favorable to Oliver and construed all inferences in the light most favorable to Oliver as the non-moving party. Having reviewed the record, the court finds that the Magistrate Judge appropriately considered the facts of the case.

Accordingly, after a thorough review of the Magistrate Judge's Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and

Recommendation and incorporates it herein. Defendant GLEAMNS' Motion for Summary Judgment [Doc. 19] is **GRANTED**.

IT IS SO ORDERED.

s/ J. Michelle Childs
United States District Judge

July 26, 2011
Greenville, South Carolina